

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

FREDDIE EUGENE WOOD, )  
                        )  
Plaintiff,           )                           CIVIL ACTION NO.  
v.                    )                           2:17cv494-MHT  
                        )                           (WO)  
JACKSON HOSPITAL, et al., )  
                        )  
Defendants.           )

OPINION AND ORDER

Plaintiff filed this lawsuit bringing 12 state-law claims, including negligence, negligent supervision, fraudulent misrepresentation, libel, negligent infliction of emotional distress, and tortious interference with a business relationship, and naming as defendants a hospital, physicians employed there, the state medical examiner's board, and its investigator; the claims stem from a series of events that began with a visit to the emergency room where plaintiff was denied care and spiraled out from there. Plaintiff also brings two federal claims: one under the Social Security Act,

42 U.S.C. § 1395dd, alleging that he was denied care in violation of the statute, and one claim for disability discrimination, which appears to contend that all of the defendants discriminated against him on the basis of disability. This lawsuit is before the court on the recommendation of the United States Magistrate Judge that defendants' motions to dismiss be granted without prejudice to plaintiff filing an amended complaint within 10 days of any order adopting the recommendation; that defendants' motion to strike and plaintiff's motion for extension of time to file an amended complaint be denied as moot; and that the court decline to exercise supplemental jurisdiction over the state-law claims. Also before the court are defendants' objections to the recommendation that the court decline to exercise jurisdiction over the state-law claims. Upon an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation adopted as to the resolution of the motions in part.

However, as the amended complaint will likely assist the court in determining the extent to which the state-law claims predominate over the federal claims, the court declines to dismiss the state-law claims at this time.

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Accordingly, it is ORDERED that:

(1) The objections to the recommendation (doc. no. 39) are overruled as moot, because the court has decided not to take up the supplemental-jurisdiction issue at this time.

(2) The magistrate judge's recommendation (doc. no. 38) is adopted to the extent discussed above.

(3) The defendants' motions to dismiss (doc. nos. 9, 12, and 13) are granted without prejudice to plaintiff filing an amended complaint.

(4) Plaintiff is granted leave to file an amended complaint by no later than March 20, 2018.

(5) The defendants' motion to strike (doc. no. 29) and plaintiff's motion for extension of time (doc. no. 37) are denied as moot.

This case is referred back to the magistrate judge for further proceedings.

DONE, this the 6th day of March, 2018.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE